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CORRECTED NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

07/18/2005

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LIM, KRISNA

Brian C. Kunzler 10 West 100 South SUITE 425 Salt Lake City, UT 84101

BEST AVAILABLE COPY

ART UNIT PAPER NUMBER

EXAMINER

2153

DATE MAILED: 07/18/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,449	12/07/2000	Kyle E. Powell	1001.2.2	2679

TITLE OF INVENTION: INTERNET CONTENT DELIVERY ACCELERATION SYSTEM EMPLOYING A HYBRID CONTENT SELECTION SCHEME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	10/18/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. It the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

(571) 273-2885 or Fax

INSTRUCTIONS: This form should be used \vec{f}_{ij} transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for

maintenance fee notification				<u> </u>	Smalling are solve be used for	and 122 122 122 123 150
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7. Brian C. Kunzler 10 West 100 South SUITE 425 Salt Lake City, UT	1			Ce	e of mailing or transmission. rtificate of Mailing or Trans his Fee(s) Transmittal is being with sufficient postage for fir il Stop ISSUE FEE address PTO (571) 273-2885, on the d	mission
Sait Lake City, OT	04101				, ,	(Depositor's name)
						(Signature)
						(Date)
APPLICATION NO.	FILING DATE	FIRST NA	MED INVEN	TOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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TITLE OF INVENTION: I	NTERNET CONTENT DEL	IVERY ACCELERATION	SYSTEM EN	MPLOYING A HYBR	ID CONTENT SELECTION	SCHEME
APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PU	BLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700		\$300	\$1000	10/18/2005
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LIM, K	RISNA	2153		709-208000	-	
CFR 1.363). Change of correspond Address form PTO/SB/1: "Fee Address" indicat PTO/SB/47; Rev 03-02 of Number is required. 3. ASSIGNEE NAME AND		Correspondence ation form of a Customer E PRINTED ON THE PATI- clow, no assignee data will of this form is NOT a substite	e names of up ints OR, altern e name of a signed attorney stered patent no name will ENT (print of appear on the	r type)	a member a 2 2 2 3 3 3 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ocument has been filed for
	assignee category or category			☐ Individual ☐ C	orporation or other private gro	oup entity Government
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Advance Order - # of	-		•		harge the required fee(s), or (enclose an extra co	credit any overpayment, to opy of this form).
	(from status indicated above					
	MALL ENTITY status. See 3 is requested to apply the Issu	<u> </u>			LL ENTITY status. See 37 CI y paid issue fee to the applica	
NOTE: The Issue Fee and Printerest as shown by the reco	ublication Fec (if required) words of the United States Pate	vill not be accepted from any ent and Trademark Office.	yone other th	an the applicant; a reg	ly paid issue fee to the applica istered attorney or agent; or th	e assignee or other party in
Authorized Signature				Date		
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This collection of information application. Confidential submitting the completed applies form and/or suggestions.	on is required by 37 CFR 1.3 ity is governed by 35 U.S.C. oplication form to the USPTO	11. The information is required 122 and 37 CFR 1.14. This D. Time will vary depending ould be sent to the Chief Inc.	red to obtain collection is g upon the in	or retain a benefit by the estimated to take 12 addividual case. Any conficer U.S. Patent and	the public which is to file (and minutes to complete, includin mments on the amount of tin Trademark Office, U.S. Dena	by the USPTO to process) g gathering, preparing, and ne you require to complete until the process of Complete process.

uns 101111 and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

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09/733,449	12/07/2000	Kyle E. Powell	1001.2.2	2679
75	90 07/18/2005		EXAMI	NER
Brian C. Kunzler			LIM, KF	USNA
10 West 100 South SUITE 425		,	ART UNIT	PAPER NUMBER
Salt Lake City, UT	84101		2153	_
			DATE MAILED: 07/18/2005	:

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1044 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1044 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. I'NI NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initia of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1.	- 1
Notice of Allowability Examiner Krisna Lim 2153 - The MALING DATE of this communication appears on the cover sheet with the correspondence address—All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THI NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initia of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. □ This communication is responsive to 2. ☑ The allowed claim(s) is/are 1-28. 3. ☑ The drawings filed on 07 December 2000 are accepted by the Examiner. 4. □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 118(a)-(d) or (f). a) □ All b) □ Some* c) □ None of the: 1. □ certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). *Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. □ A SUBSTITUTE CATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. (a) □ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) □ hereto or 2) □ to Paper No./Mail Date Identified copies in the front (not the back) of	1
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Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of	
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).	ŀ
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.	
Attachment(s) 1. ☑ Notice of References Cited (PTO-892) 5. ☐ Notice of Informal Patent Application (PTO-152)	
2. Notice of Draftperson's Patent Drawing Review (PTO-948) 6. Interview Summary (PTO-413), Paper No./Mail Date	-[
3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), 7. ☐ Examiner's Amendment/Comment	
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 8. ☑ Examiner's Statement of Reasons for Allowance 9. ☐ Other	

Application/Control Number: 09/733,449

Art Unit: 2153

Pursuant to 37 C.F.R. 1.109 and M.P.E.P 1302.14, the following is an Examiner's Statement of Reasons for Allowance:

The prior arts of record do not teach the Internet content delivery acceleration system comprising a central proxy server, local proxy servers and a priority determination module. The central proxy server selects and transmits popular digital objects to local proxy servers over a communication medium. The local proxy servers concurrently receive the selected digital objects from the central proxy server and providing the selected digital objects to a caching database in local communication with the local proxy server in order to make the selected digital objects available to a plurality of user stations communicating with the cache database. The priority determination module uses both local priority data and global priority data in making a localized priority determination regarding digital objects stored in the caching database. Moreover, the prior arts of record do not teach a method of operating redundant proxy servers, which are similarly configured and provide with a token. Select one of the redundant proxy servers as a master and the other as a back up. Establish a failure with the master by the back up in response to: incrementing the token within the back up, transmitting the backup's token to a client station; and the backup assuming operation as the master.

The examiner considers the applicants' claims 1-28 to be allowable based on the claim interpretation and the aforesaid prior arts of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone

Application/Control Number: 09/733,449

Art Unit: 2153

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

December 8, 2004

KRISNA LIM PRIMARY EXAMINER

Applicant(s)/Patent Under Application/Control No. Reexamination 09/733,449 POWELL ET AL. Notice of References Cited Examiner Art Unit Page 1 of 1 2153 Krisna Lim U.S. PATENT DOCUMENTS Date Document Number Name Classification Country Code-Number-Kind Code MM-YYYY 709/238 11-2004 Puente et al. US-6,820,132 03-2000 Lambert et al. 709/226 US-6,038,601 В 711/118 05-2003 Challenger et al. C US-6,567,893 D US-E US-F US-US-G US-Н US-US-J US-Κ L US-М US-FOREIGN PATENT DOCUMENTS Document Number Date Classification Name Country MM-YYYY Country Code-Number-Kind Code Ν 0 Ρ Q R S T **NON-PATENT DOCUMENTS** Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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Technology Center 2100

Page 1 of 1

FORM PTO-1449

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION

SERIAL NO. ATTORNEY DOCKET NO. 09/733,449 1001.2.2 FILING DATE GROUP ART UNIT 2152 May 7, 2001 CANT(S):
Kyle E. Powell, Mark B. Hurst, Karl G. Merkley RECEIVED APPLICANT(S):

DISCLOSURE STATEMENT

(use several sheets if necessary)

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINE						Grou
R INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
W	A1 ·	4,807,224	02/21/89	Naron et al.	370/94	08/21/87
	A2	5,007,017	04/09/91	Kobayashi	364/900	04/06/87
	A3	5,079,767	01/07/92	Perlman .	370/94.3	08/25/89
	A4	5,262,875	11/16/93	Mincer et al.	358/335	04/30/92
	A5	5,341,474	08/23/94	Gelman et al.	395/200	05/15/92
	A6	5,347,632	08/13/94	Filepp et al.	395/200	07/28/89
	A7	5,412,660	05/02/95	Chen et al.	370/110.1	09/10/93
	A8	5,442,771	08/15/95 .	Filepp et al.	395/650	11/26/93
	A9	5,506,902	04/09/96	Kubola	380/9	04/15/94
	A10	5,511,208	04/23/96	Boyles et al.	395/800	03/23/93
	A11	5,548,724	08/20/96	Akizawa et al.	395/200.03	03/21/94
	A12	5,572,643	11/05/96	Judson	395/793	10/19/95
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